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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,849	09/24/2003	Nicholas F. Ciminello	FIS920030272US1	4387

23550 7590 05/24/2006

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EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/669,849	CIMINELLO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Aditya S. Bhat	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/24/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima (USPN 6,113,341) in view of Murata (USPN 6,504,144).

With regards to claim 1 Fukushima (USPN 6,113,341) teaches a system for testing an overhead traveling vehicle, the system comprising:

a rotatable bearing set for rotatably engaging a outside edge of a wheel of the overhead traveling vehicle during testing; and (See figure 1)

a data collector for collecting data regarding an operation parameter of the overhead traveling vehicle. (13;Col. 2, lines 53-55)

With regards to claim 2 Fukushima (USPN 6,113,341) teaches the rotatable bearing set is mounted to a rail. (8;Col. 3, lines 38-40)

With regards to claim 3 Fukushima (USPN 6,113,341) teaches the rail is C-shaped, and the rotatable bearing set is positioned in a first extremity of the rail. (Col. 2, lines 22-24)

With regards to claim 4 Fukushima (USPN 6,113,341) teaches the rail further includes an opening in a second extremity thereof over the bearing set. (figure 1)

With regards to claim 5 Fukushima (USPN 6,113,341) teaches the data collector includes one of a handheld tachometer and a handheld optical sensor, positionable in the opening to observe the wheel. (col. 5, lines 12-16)

With regards to claim 6 Fukushima (USPN 6,113,341) teaches the data collector further comprises a data analyzer for analyzing the operation parameter of the overhead traveling vehicle. (col. 5, lines 11-20)

With regards to claim 7-9, 14-15 and 18, Fukushima (USPN 6,113,341) teaches a reflective section and the overhead traveling vehicle includes an optical sensor for interaction with the reflective section, and wherein the operation parameter includes a reading of the optical sensor. (Col. 5, lines 14-20)

With regards to claim 10 Fukushima (USPN 6,113,341) teaches a test fixture for supporting an overhead traveling vehicle for testing, the test fixture comprising:

a rotatable bearing set for rotatably engaging a wheel of the overhead traveling vehicle such that the wheel can rotate but the overhead traveling vehicle remains stationary; (Col. 3, lines 21-40) and

a raised support for supporting the rotatable bearing set. (see figure 1)

With regards to claim 11 Fukushima (USPN 6,113,341) teaches the raised support includes a rail, and the rotatable bearing set is mounted in an opening in the rail. (see figure 1)

With regards to claim 12 Fukushima (USPN 6,113,341) teaches the rail is C-shaped, and the rotatable bearing set is mounted in a lower extremity of the C-shaped rail. (Col. 2, lines 22-24)

With regards to claim 13 Fukushima (USPN 6,113,341) teaches the C-shaped rail further includes an opening in an upper extremity thereof over the rotatable bearing set for a data collector. (see figure 4)

With regards to claim 16 Fukushima (USPN 6,113,341) teaches a method of calibrating an overhead traveling vehicle, the method comprising:

supporting the overhead traveling vehicle on a test fixture, in a stationary state, by rotatably supporting each wheel of the overhead traveling vehicle with a rotatable bearing set including a pair of rotatable bearings; (see figure 1)

operating a portion of the overhead traveling vehicle; ; (see figure 1) and adjusting a control of the overhead traveling vehicle to calibrate the overhead traveling vehicle.

With regards to claim 17 Fukushima (USPN 6,113,341) teaches the test fixture includes a rail substantially similar to that which the overhead traveling vehicle is configured to operate on. (figure 1)

With regards to claim 19 Fukushima (USPN 6,113,341) teaches the operating step includes driving each wheel with a respective servomotor, and the adjusting step includes adjusting at least one servomotor control. (Col. 3, lines 41-42)

With regards to claim 20 Fukushima (USPN 6,113,341) teaches the adjusting step includes calibrating the overhead traveling vehicle to have an operation parameter that substantially matches that of a replaced overhead traveling vehicle. (Col. 4, lines 22-24)

Fukushima (USPN 6,113,341) does not appear to teach a test fixture.

Murata (USPN 6,504,144) teaches a test fixture (figure 1).

It would've been obvious to one skilled in the art at the time of the invention to modify the Fukushima (USPN 6,113,341) invention to include a test fixture taught by Murata (USPN 6,504,144) in order to avoid contact between objects to be carried (Col. 3, lines 22-23)

### ***Response to Arguments***

Applicant's arguments filed 3/8/2006 have been fully considered but they are not persuasive.

Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the prior art of record does not disclose a test fixture (Murata 1; See figure 1) for supporting the overhead traveling vehicle during

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analysis in a stationary state, the test fixture including a rotatable bearing set for rotatably engaging a outside edge of a wheel (Fukushima 8; See figure 1) of the overhead traveling vehicle during testing (figure 1)

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shiwaku (USPN 5,803,2780) teaches a overhead traveling carriage.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat  
May 15, 2006

BRYAN BUI  
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Bryan Bui', with a stylized flourish at the end.